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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,972	08/10/2001	Woodrow W. Grandy	068554/P001US/	5997
29053 7590 04/07/2008 FULBRIGHT & JAWORSKI L.L.P. 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784				
EXAMINER				
BLACK, LINH				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/927,972

Applicant(s)

GRANDY ET AL.

Examiner

LINH BLACK

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is responsive to the RCE dated 3/10/2008. Claims 1-55 are cancelled. Claims 56-88 are new claims and are pending in the application. Claims 56, 70, and 78 are independent claims.

Response to Arguments

Applicant's arguments filed 2/27/08 have been considered but are moot in view of the new ground(s) of rejection. Examiner thanks the Applicants and the Applicants' Representatives for the past interview meeting. With a new search for the new claims set, the relevant prior art is hereby applied below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 56-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak et al. (US 2002/0004729) in view of Walker et al. (US 2002/0170565 A1).

As per claim 56, Zak et al. teach

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a system for capturing medical information, said system comprising: a database having pre-programmed screen presentations, each presentation containing information pertinent to a particular medical complaint – paragraphs 92-93; figs. 2-3, par. 76.

certain of said presentations having at least an HPI portion –figs. 3-4.

a screen presentation for allowing a user to identify a particular medical complaint – fig. 2.

wherein said system is operable for presenting to said user an ordered set of screen presentations; each said screen presentation of said ordered set of screen presentations containing multiple selectable information elements pertinent to an identified particular medical condition – figs. 3-5 (patient problem is abdominal flank pain – item 260; and related issues/elements are displayed in fig. 3.) However, Zak does not teach an ROS portion for a particular medical complaint. Walker et al. teach HPI, ROS, and PFSH elements appropriate to target diagnosis – par. 102, fig. 9a. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Walker's teaching with Zak's teaching in order to allow efficient ways of gathering and representing medical data to help users.

As per claim 57, Zak et al. teach

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means for capturing medical information on a selected screen presentation by incorporating a state indicator on a plurality of pre-presented clinical items – figs. 2-3, including item 240.

As per claim 58, Zak et al. teach

means for capturing additional medical information associated with said plurality of pre-presented clinical items based upon an action taken by a user with respect to said pre-presented item – fig. 4 (pain is primary pain of crushing type and the complaint location(s) are body, chest.)

As per claim 59, Zak et al. teach

means for cueing the user that said additional medical information is available for selection, said cueing means associated with said pre-presented clinical item – figs. 5, 9 (more information relating to a complaint that such as seizures that users can select for answer.)

As per claim 60, Zak et al. teach

a portion having a pre-identified graphic of an anatomical area pertinent to said chief medical complaint – figs. 3-4.

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As per claim 61, Zak et al. do not teach wherein said graphic comprises one or more labels overlaid on said anatomical area, wherein said one or more labels are selectable information elements pertinent to an identified particular medical condition – Walker teaches wherein said graphic comprises one or more labels overlaid on said anatomical area, wherein said one or more labels are selectable information elements pertinent to an identified particular medical condition – fig. 2, 11b; par. 40. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Walker's teaching with Zak's teaching in order to allow efficient data gathering and storage.

As per claim 62, Zak et al. teach a plurality of different presentations pertaining to a single respective medical complaint, wherein said different presentations are selected from the list of: history, exam, course, Dx/DI – fig. 4; pars. 19, 38.

As per claim 63, Zak et al. teach exam presentations contain listings of pre-presented clinical items representing possible clinical exam findings pertinent to said particular medical complaint – pars. 40, 54-55, 79.

As per claim 64, Zak et al. teach wherein said course presentations contain listings of pre-presented clinical items

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representing possible clinical findings pertinent to said particular medical complaint – pars. 78-79, 81, 86.

As per claim 65, Zak et al. teach

wherein said possible clinical findings within said course presentations are selected from: x-ray, laboratory, EKG, diagnostic procedure, procedure descriptions, therapeutic interventions, consultations, repeat examinations, admission notes – pars. 55, 76, 92.

As per claim 66, Zak et al. teach

wherein said Dx/DI presentations comprises listings of pre-presented clinical items representing possible, clinical impression findings, prescriptions, work excuse, discharge instructions, follow-up referrals, pertinent to said particular medical complaint – pars. 19, 70-71, 92; fig. 4.

As per claims 67-69, Zak et al. teach

generating a patient prescription, discharge instructions, work excute based upon selections made within said Dx/DI presentation – pars. 91-92, fig. 6 (treatment, pt.meds, notes).

As per claim 70, Zak et al. teach

identifying to a computer controlled system a chief medical complaint of a patient

– fig. 2.

said system selecting a template based upon said identified chief medical complaint; template having multiple screen presentations, a plurality of said template presentations having pre-identified selectable data elements pertaining to said chief medical complaint – fig. 3;

capturing medical history information pertaining to said patient on a first screen presentation of said selected template – fig. 4.

As per claim 71, Zak et al. teach

capturing physical exam information pertaining to said patient on a second screen presentation of said selected template – fig. 3, exam.

As per claim 72, Zak et al. teach:

capturing medical information pertaining to a course of treatment of said patient on a third screen presentation of said selected template – fig. 9; page 62.

As per claim 73, Zak et al. teach

capturing medical information pertaining to the diagnosis and disposition of said patient on a fourth screen presentation of said selected template – fig. 8; pars. 15, 19.

As per claim 74, Zak et al. teach
selecting one or more said pre-identified selectable data elements by marking said element with a state indicator – pars. 76, 91; par. 15.

As per claim 75, Zak et al. teach
adding additional medical information in a space adjacent to one or more of said pre-identified selectable data elements – pars. 15, 41, 75.

As per claim 76, Zak et al. teach
selecting said additional information...- fig. 9.

As per claim 77, Zak et al. teach
generating a report in a textual prose representation based on the information correlated ...- pars. 52-55. However, Zak does not disclose at length regarding reports. Walker et al. teach textual reporting - figs. 19a-b. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Zak's teaching with Walker's teaching in order to generate textual reports for better communications to patients etc...

Claims 78-88 claim the same subject matter as of previous claims and are rejected based on the same ground of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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LINH BLACK
Examiner
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March 29, 2008.

/don wong/

Supervisory Patent Examiner, Art Unit 2163